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Board of Vocational Nursing
and Psychiatric Technicians

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8 **BEFORE THE**
9 **BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. VN-2005-963

13 **PRITI S. PATEL AKA PATRICIA PATEL**
14 **AKA PATRICIA MONIKER**

A C C U S A T I O N

15 3501 W. Imperial Hwy.
16 Inglewood, CA 90303

17 **Vocational Nurse License No. VN 163593**

18 Respondent.

19 Complainant alleges:

PARTIES

20 1. Teresa Bello-Jones, J.D., M.S.N., R.N. (Complainant) brings this
21 Accusation solely in her official capacity as the Executive Officer of the Board of Vocational
22 Nursing and Psychiatric Technicians (Board).

23 2. On or about July 16, 1993, the Board issued Vocational Nurse License
24 Number VN 163593 to Priti S. Patel aka Patricia Patel aka Patricia Moniker (Respondent). The
25 Vocational Nurse License was in full force and effect at all times relevant to the charges brought
26 herein and will expire on November 30, 2008, unless renewed.

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1 (c) Be convicted of a criminal offense involving possession of any
2 narcotic or dangerous drug, or the prescription, consumption, or
3 self-administration of any of the substances described in subdivisions (a) and (b)
4 of this section, in which event the record of the conviction is conclusive evidence
5 thereof.

6 8. Section 492 of the Code states, in part:

7 Notwithstanding any other provision of law, successful completion of any
8 diversion program under the Penal Code, or successful completion of an alcohol
9 and drug problem assessment program under Article 5 (commencing with Section
10 23249.50) of Chapter 12 of Division 11 of the Vehicle Code, shall not prohibit
11 any agency established under Division 2 (commencing with Section 500) of this
12 code, or any initiative act referred to in that division, from taking disciplinary
13 action against a licensee or from denying a license for professional misconduct,
14 notwithstanding that evidence of that misconduct may be recorded in a record
15 pertaining to an arrest.

16 REGULATORY PROVISIONS

17 9. California Code of Regulations, title 16, section 2521, states:

18 For the purposes of denial, suspension, or revocation of a license pursuant
19 to Division 1.5 (commencing with Section 475) of the Business and Professions
20 Code, a crime or act shall be considered to be substantially related to the
21 qualifications, functions or duties of a licensed vocational nurse if to a substantial
22 degree it evidences present or potential unfitness of a licensed vocational nurse to
23 perform the functions authorized by his license in a manner consistent with the
24 public health, safety, or welfare. Such crimes or acts shall include but not be
25 limited to those involving the following:

26 ...
27 (c) Violating or attempting to violate, directly or indirectly, or assisting in
28 or abetting the violation of, or conspiring to violate any provision or term of
Chapter 6.5, Division 2 of the Business and Professions Code.

29 COST RECOVERY

30 10. Section 125.3 of the Code provides that the Board may request the
31 administrative law judge to direct a licensee found to have committed a violation or violations
32 of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
33 enforcement of the case.

34 FIRST CAUSE FOR DISCIPLINE

35 (Conviction of Substantially Related Crime)

36 11. Respondent is subject to disciplinary action under section 2878,
37 subdivision (a), in conjunction with California Code of Regulations, title 16, section 2521,
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1 subdivision (c), on the grounds of unprofessional conduct, in that Respondent was convicted of a
2 crime substantially related to the qualifications, functions, or duties of a licensed vocational
3 nurse. Specifically, on or about September 24, 2005, in a criminal proceeding entitled *The*
4 *People of the State of California v. Priti S. Patel*, in Los Angeles County Superior Court, Case
5 No. 5LC01500, Respondent was convicted on her plea of nolo contendere for violating Vehicle
6 Code section 23152, subdivision (b)(driving under the influence of alcohol/blood alcohol level of
7 .08% or greater), a misdemeanor.

8 a. The circumstances surrounding the conviction are that on or about
9 February 27, 2005, after Respondent was involved in an automobile accident, a California
10 Highway Patrol officer observed Respondent, one of the drivers, showing signs of being under
11 the influence of drugs or alcohol. The officer administered field sobriety tests to Respondent,
12 which she failed. Respondent was arrested at the scene for driving under the influence of drugs
13 or alcohol.

14 b. On or about September 24, 2005, Respondent was sentenced as follows:
15 three years of summary probation, one day in county jail, six month alcohol and other drug
16 education and counseling program, and payment of fines.

17 **SECOND CAUSE FOR DISCIPLINE**

18 **(Conviction of Alcohol Related Crime)**

19 12. Respondent is subject to disciplinary action under Sections 2878 and
20 2878.5, subdivision (c), on the grounds of unprofessional conduct, in that on or about September
21 24, 2005, Respondent was convicted of a criminal offense involving the consumption of alcohol,
22 as set forth in paragraph 12, above.

23 **THIRD CAUSE FOR DISCIPLINE**

24 **(Dangerous Use of Alcohol)**

25 13. Respondent is subject to disciplinary action under section 2878.5,
26 subdivision (b), on the grounds of unprofessional conduct, in that Respondent consumed
27 alcoholic beverages, to an extent or in a manner dangerous or injurious to herself, any other

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1 person, or the public, in that on or about February 27, 2005, Respondent was driving under the
2 influence of alcohol, as set forth in paragraph 12, above.

3 **FOURTH CAUSE FOR DISCIPLINE**

4 **(Unprofessional Conduct)**

5 14. Respondent is subject to disciplinary action under Code section 2878,
6 subdivision (a), in that Respondent committed acts of unprofessional conduct, as set forth in
7 paragraph as described in paragraphs 12 through 14, above.

8 **DISCIPLINE CONSIDERATIONS**

9 15. To determine the degree of discipline, if any, to be imposed on
10 Respondent, Complainant alleges that on or about April 16, 2002, in a criminal proceeding
11 entitled *The People of the State of California v. Priti S. Patel*, in Los Angeles County Superior
12 Court, Case No. 1DW06241, Respondent was convicted on her plea of nolo contendere for
13 violating Vehicle Code section 23152, subdivision (b)(driving under the influence of
14 alcohol/blood alcohol level of .08% or greater), a misdemeanor.

15 b. The circumstances surrounding the conviction are that on or about
16 November 17, 2001, Respondent was stopped by a California Highway Patrol officer because she
17 was driving a motor vehicle erratically. During the stop, the officer observed that Respondent's
18 eyes were red and glassy and that she spoke with a soft, slurred, and mumbled speech. The
19 officer also noticed that Respondent's breath emitted a strong odor of an alcoholic beverage. The
20 officer administered field sobriety tests to Respondent, which she failed, and also a Breathalyzer
21 test, which Respondent tested at .197% blood alcohol level. Respondent was arrested at the
22 scene for driving under the influence of alcohol.

23 c. On or about April 16, 2002, Respondent was sentenced as follows: three
24 years of summary probation, alcohol and other drug education and counseling program, and
25 payment of fines.

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1 PRAYER

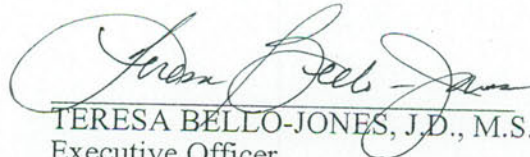
2 WHEREFORE, Complainant requests that a hearing be held on the matters herein
3 alleged, and that following the hearing, the Board issue a decision:

4 A. Revoking or suspending Vocational Nurse License Number VN 163593,
5 issued to Priti S. Patel aka Patricia Patel aka Patricia Moniker Priti S. Patel;

6 B. Ordering Priti S. Patel to pay the Board the reasonable costs of the
7 investigation and enforcement of this case, pursuant to Business and Professions Code section
8 125.3; and,

9 C. Taking such other and further action as deemed necessary and proper.

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11 DATED: May 16, 2008

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15 TERESA BELLO-JONES, J.D., M.S.N., R.N.
16 Executive Officer
17 Board of Vocational Nursing and Psychiatric Technicians
18 State of California
19 Complainant
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